

#5/10

PATENT
P56497**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

KYUNG-PILL KO

Serial No.: 09/898,089

Examiner: *to be assigned*

Filed: 5 July 2001

Art Unit: 2641

For: COMPUTER SYSTEM AND OSD DISPLAYING METHOD FOR THE SAME

FAX RECEIVED

OCT 22 2001

PETITIONS OFFICE

CERTIFICATE OF FACSIMILE TRANSMISSIONAssistant Commissioner
for Patents

Washington, D.C. 20231

Facsimile No.: Office of Petitions(703) 308-6916


Initial Patent Examination Division (703) 305-9822

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OCT 26 2001
Technology Center 2600

Sir:

This is to certify that on this, the 22nd day of October 2001, this Second Petition under 37 C.F.R. §1.181 together with a copy of Notice to File Corrected Application Papers (Confirmation No. 3207) mailed 22 August 2001, Fig. 4C and Fig. 5C, was facsimile transmitted to the U.S. Patent & Trademark Office. Duplicate copy of the aforesaid documents are concurrently filed in the Office.

Respectfully submitted,


Robert E. Bushnell
Attorney for the Applicant
Registration No. 27,7741522 "K" Street, N.W., Suite 300
Washington, D.C. 20005-1202
Tel: (202) 408-9040
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Date: 10/22/01
LD.: REB/kfsee
paper
mailed
2/4/02



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/898,089	07/05/2001	Kyung-Pill Ko	P56497

CONFIRMATION NO. 3207

ROBERT E. BUSHNELL
SUITE 300
1522 K STREET, N.W.
WASHINGTON, DC 20005

FAX RECEIVED

OCT 22 2001

PETITIONS OFFICE

FORMALITIES LETTER

OC000000006460052

Date Mailed: 08/22/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1);

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PATENT
P56497**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

KYUNG-PILL KO

FAX RECEIVED

Serial No.: 09/898,089

Examiner: *to be assigned*

OCT 22 2001

Filed: 5 July 2001

Art Unit: 2641

PETITIONS OFFICE

For: COMPUTER SYSTEM AND OSD DISPLAYING METHOD FOR THE SAME

SECOND PETITION UNDER 37 C.F.R. §1.181

Assistant Commissioner

for Patents

Washington, D.C. 20231

Attn.: Office of Petitions/ Initial Patent Examination DivisionRECEIVED
OCT 26 2001
Technology Center 2600

Sir:

Applicant respectfully petitions from the Notice to File Corrected Application papers (an un-numbered paper dated 22 August 2001) and the failure of the PTO to correctly examine the formal drawings originally filed in the above-captioned application, and as reasons therefore, states that:

Folio: P56497

Date: 10/22/01

I.D.: REB/kf

PATENT
P56497**STATEMENT OF FACTS**

1. On 5 July 2001, a new application for the above-captioned application was filed in the U.S. Patent & Trademark Office. The new application consisted of the specification, claims, Abstract, formal drawings (Figs. 1 through 5C, 5 sheets), executed Declaration and executed Assignment, Information Disclosure Statement and PTO-1449 with copies of nine (9) references cited in the aforesaid Information Disclosure Statement, claim of priority and the certified Korean priority document No. 8455/2001, and check Nos. 39863 and 39864 in the total amount of \$982.00.
2. On or about 23 August 2001, the Applicant's undersigned attorney received a Notice to File Corrected Application Papers (Confirmation No. 3207) where submission of substitute formal drawing is required for the following reasons:

“drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)”
3. The Notice refers to “a flowchart that was originally not in English that has been marked up to include the English text”. The sole flowchart in the above-captioned U.S. patent application is contained in Fig. 3; there are only English language terms used in the flowchart of Fig. 3.

PATENT
P56497

4. Figs. 4A-4D show on-screen display menus used in the practice of the instant invention during selection of a language in the display device. See page 5, lines 14 and 15.
5. Figs. 5A-5C illustrate a display selection of the display device during the display of the on-screen menu in the language in accordance with the language information of the operating system of the computer. See page 5, lines 16-18.
6. The foreign language terms appearing Fig. 4C and 5C comply with 35 U.S.C. §113 and the requirement that "the applicant show shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." No part of the regulations set forth in 37 C.F.R. §1.84(p)(2) and 37 C.F.R. §1.52(d)(1) contradict or purport to negate the requirement of 35 U.S.C. §113.
7. Moreover, the use of the language other than English in Figs. 4C and 5C is in fact customary in applications of this origin and technology, and the use completely complies with 37 C.F.R. §1.84(p)(2). Furthermore, the above-captioned U.S. patent application was filed in English, and the use of terms other than English is entirely accurately and consistent with the illustration of the practice of the invention as is required by 35 U.S.C. §113.

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P58497

8. The Commissioner has no authority to issue any regulation contrary to the express requirements of 35 U.S.C. §113, and in fact, the Commissioner has never issued any regulation. Consequently, the suggestion by the Drafting Division that Figs. 4C and 5C, which illustrate the display screens using more than one language simultaneously, may be contrary to U.S. patent law ignores the fact that the display using two languages simultaneously is "necessary for the understanding of the subject matter sought to be patented" by Applicant here, in accordance with the requirement of 35 U.S.C. §113.

PATENT
P56497**REMARKS**

The aforesaid Notice does not mention which figure(s) has been objected to. Applicant assumes the Notice is referring to Figs. 4C where Korean characters are depicted.

The Commissioner's attention is invited to the specification, paragraph [0017] on page 5 where it says, "FIGS. 4A-4D are OSD menu screens showing the process of selecting a language in the display device; and". Also, at lines 15-16 on page 10 (paragraph [0030]) Figures 4C and 4D are stated to show "Korean" and English selected by the user, respectively.

As is stated above, Fig. 4C is a menu screen displayed on a display device which indicates availability of Korean language as a selection by using Korean characters so as to enable users to immediately recognize the particular language. Therefore, the Korean characters which appear in Fig. 4C are not used as a text to explain the Fig. 4C itself, but used as an image to illustrate how one of the menu screens of the present invention appear in an actual display device.

In view of the above, it is respectfully submitted that the objection to the drawings of the present application based on 37 C.F.R. §1.84 and/or §1.52 does not apply, and should be withdrawn.

Should any question remain unsolved or further information be indicated, the Commissioner is invited to telephone Applicant's undersigned attorney at (202) 408-9040.

PATENT
P56497**RELIEF REQUESTED**

Accordingly, Applicant respectfully requests the Commissioner to:

- A. Strike out of the file history the Notice to File Corrected Application Papers mailed 22 August 2001 for the above-captioned application and so notify the Applicant;
- B. Place the instant application on the files for examination.
- C. Grant such other and further relief as justice may require.

Respectfully submitted,



Robert E. Bushnell
Attorney for the Applicant
Registration No.: 27,774

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(202) 408-9040

Folio: P56497
Date: 10/22/01
I.D.: REB/kf

FIG. 4A

MENU

1. POSITION
2. SIZE
3. LANGUAGE SELECT
4. TURN OFF TIME

FIG. 4B

LANGUAGE SELECT

1. AUTO: Same Language as Computer OS
2. MANUAL: ENGLISH (Default)
KOREAN
JAPANESE
: :

FIG. 4C

Auto Language Select

Korean (한국어)

FIG. 4D

Auto Language Select

English

FIG. 5A

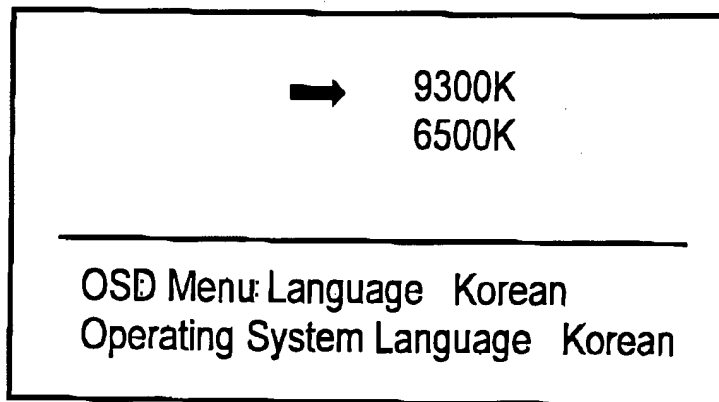


FIG. 5B

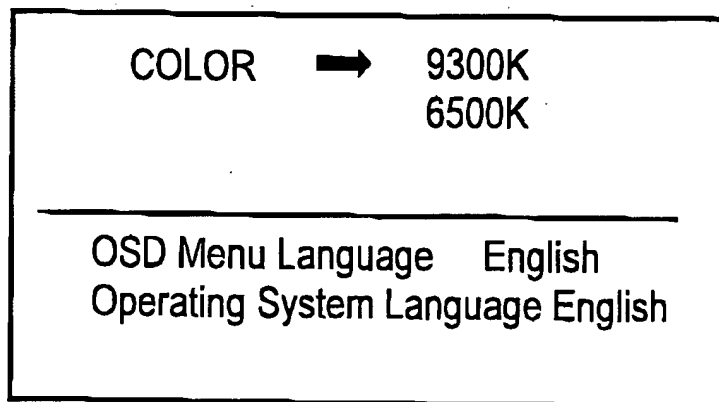
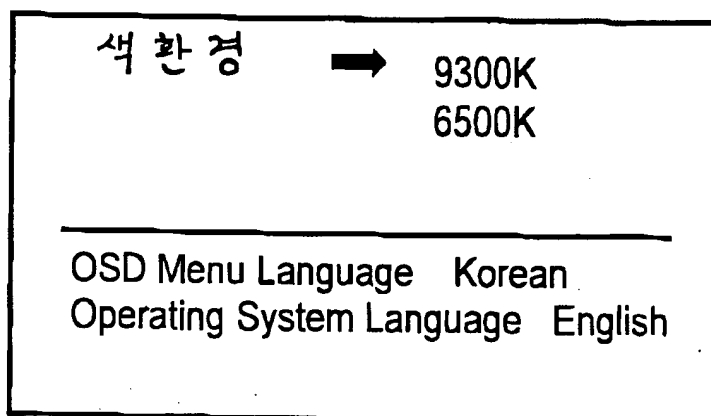


FIG. 5C





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Examiner: *to be assigned*

Filed: 5 July 2001

Art Unit: 2641

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CERTIFICATE OF FACSIMILE TRANSMISSION

Assistant Commissioner
for Patents

Washington, D.C. 20231

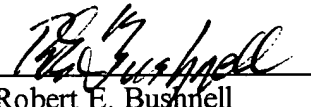
Facsimile No.: Office of Petitions(703) 308-6916

Initial Patent Examination Division (703) 305-9822

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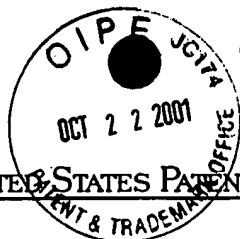
Respectfully submitted,


Robert E. Bushnell
Attorney for the Applicant
Registration No. 27,774

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UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/898,089	07/05/2001	Kyung-Pill Ko	P56497

ROBERT E. BUSHNELL
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WASHINGTON, DC 20005

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Charley Young
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Serial No.: 09/898,089

Examiner: *to be assigned*

Filed: 5 July 2001

Art Unit: 2641

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SECOND PETITION UNDER 37 C.F.R. §1.181

Assistant Commissioner

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(202) 408-9040

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Date: 10/22/01
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FIG. 4A

MENU

1. POSITION
2. SIZE
3. LANGUAGE SELECT
4. TURN OFF TIME

FIG. 4B

LANGUAGE SELECT

1. AUTO: Same Language as Computer OS
2. MANUAL: ENGLISH (Default)
KOREAN
JAPANESE

FIG. 4C

Auto Language Select

Korean (한국어)

FIG. 4D

Auto Language Select

English

FIG. 5A

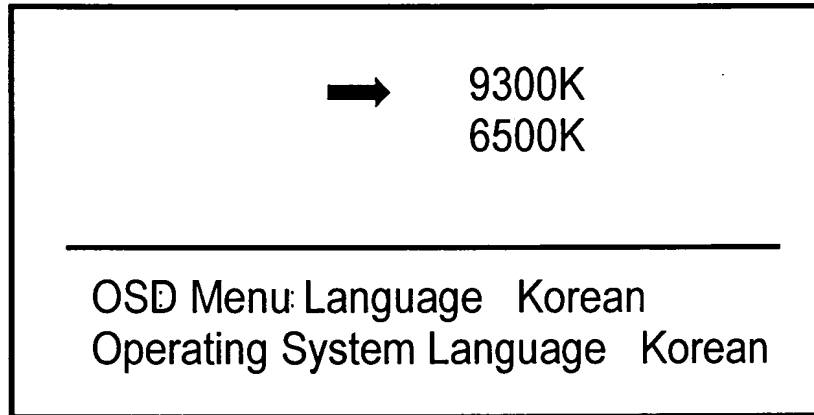


FIG. 5B

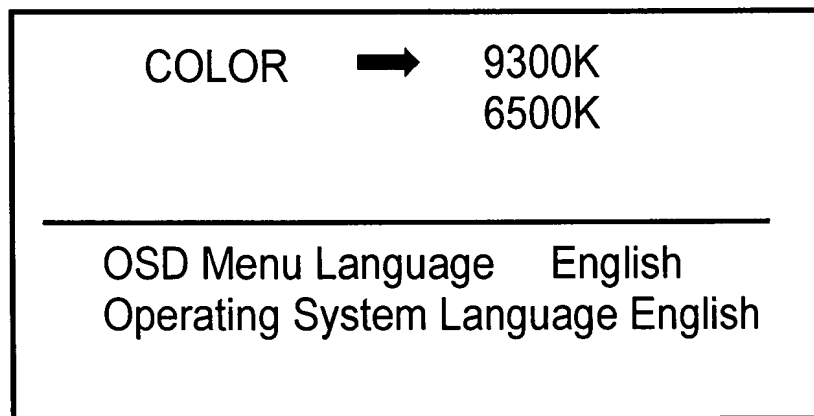


FIG. 5C

